

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COMPASSCARE, a New York nonprofit corporation; NATIONAL INSTITUTE OF FAMILY AND LIFE ADVOCATES d/b/a NIFLA, a Virginia corporation; FIRST BIBLE BAPTIST CHURCH, a New York nonprofit corporation,

Plaintiffs,

vs.

ANDREW M. CUOMO, in his official capacity as the Governor of the State of New York; ROBERTA REARDON, in her official capacity as the Commissioner of the Labor Department of the State of New York; and LETITIA JAMES, in her official capacity as the Attorney General of the State of New York,

Defendants.

1:19-cv-01409 (TJM/DJS)

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION

Oral Argument Requested

Please take notice that as soon as the matter may be heard before the Honorable Judge Thomas J. McAvoy, of the United States District Court for the Northern District of New York, located at 15 Henry St., Binghamton, NY 13901, Plaintiffs will and hereby do move for a preliminary injunction. Specifically, Plaintiffs request that this Court preliminary enjoin Defendants, acting in their respective official capacities as Governor of the State of New York, Commissioner of the Labor Department of the State of New York, and Attorney General of the State of New York, along with anyone acting pursuant to the private right of action contained in the challenged law, from enforcing against Plaintiffs New York Senate Bill 660 (SB 660), as amended by New York Senate Bill 4413 (SB 4413) and codified in N.Y. Lab. Law § 203-e.

Plaintiffs are CompassCare Pregnancy Services, a pro-life pregnancy care center located in Rochester, New York (CompassCare); National Institute of Family and Life Advocates, a national non-profit, religious pro-life pregnancy care center membership organization with 41 member centers

in New York (NIFLA); and First Bible Baptist Church, located in Hilton, New York (First Bible).

SB 660 works an active interference with Plaintiffs' religious beliefs and pro-life missions, and would prevent them from hiring to those beliefs and missions, as they are constitutionally entitled to do. As explained in the accompanying Memorandum of Law, a preliminary injunction is warranted because SB 660 violates Plaintiffs' rights under the First Amendment to the United States Constitution, including their right to expressive association, free speech, religious autonomy, and free exercise of religion. Additionally, because SB 660 is unconstitutionally vague, it violates Plaintiffs' rights under the Fourteenth Amendment to the United States Constitution. Plaintiffs will suffer irreparable harm in the absence of a preliminary injunction, the balance of hardships tips strongly in their favor, and protecting their constitutional rights is in the public interest. In support of this motion, Plaintiffs rely on their Verified Complaint for Injunctive and Declaratory Relief, the accompanying Memorandum of Law, and the affidavits of James R. Harden, Thomas Glessner, and Kevin Pestke in support of Plaintiffs' Motion for Preliminary Injunction.

Plaintiffs request that this matter be set for oral argument.

Dated: December 19, 2019

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